

REMARKS

Claim Status

Claims 9, 11 and 22-24 are presently pending.

Claim 11 has been amended.

Claims 26-28 are new.

Claims 9, 11, 22-24 and 26-28 would be pending if this amendment is entered.

Preliminary Remarks

Applicants note with appreciation that claims 9 and 22-24 were noted as being free of the prior art, and since no other rejection of these claims has been made, are presumably allowable.

35 U.S.C. § 103(a)

Claim 11 has been rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Baader et al. (US 5,130,317). Applicants have amended claim 11 to delete the diamide compounds. Claim 11, as amended, claims a dicarboxylic acid ester compound, which is neither taught nor suggested in Baader et al.

New Claims 26-28

New claims 26-28 relate to methods of treating inflammation, osteoarthritis and rheumatoid arthritis using the compounds listed in original claim 11. Applicants believe claims 26-28 are patentable over Baader et al. because nowhere in Baader et al. is it disclosed or suggested that the compounds recited in claims 26-28 could be used to treat inflammation, osteoarthritis or rheumatoid arthritis.

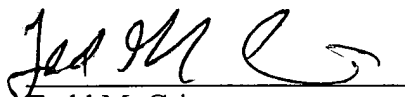
Withdrawn Claim 15

In the event that Claim 9 is allowed, Applicants respectfully request rejoinder of Claim 15, which claims a pharmaceutical composition comprising a compound of Claim 9. Applicants believe that rejoining claim 15 with the elected claim set would not be an undue burden on the Examiner because the Examiner's search relating to the compounds of Claim 9 would find the information to examine claim 15.

Applicants believe that in view of the amendments and remarks made above claims 9, 11, 22-24 and 26-28 are in condition for allowance. Reconsideration and allowance of claims 9, 11, 22-24 and 26-28 is respectfully requested.

Respectfully submitted,

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Todd M. Crissey

Reg. No. 37,807

Pfizer, Inc.

2800 Plymouth Road

Ann Arbor, MI 48105

Tel. (734) 622-7813

Fax (734) 622-1553